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10/020,701	12/12/2001	Wah Yiu Kwong	ITL.0681US (P12999)	9547

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EXAMINER	
BAUM, RONALD	

ART UNIT	PAPER NUMBER
2136	

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12/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/020,701

Applicant(s)

KWONG ET AL.

Examiner

Ronald Baum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in reply to applicant's correspondence of 20 September 2007.
2. Claims 1-25 are pending for examination.
3. Claims 1-25 remain rejected.
4. In view of the appeal brief filed on 20 September 2007, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Skelton et al, U.S. Patent No. 6,292,692 B1.

5. As per claim 1; "A method comprising:

detecting a user input [*figures 1-6, 10-12 and accompanying descriptions, whereas the medical treatment device comprising a microprocessor based controller ('... of conventional construction and is supported by system ...', whereas this would encompass a microcomputer and associated bootable controlling software/firmware executive/operating system) and associated circuit/system support logic/memory, etc., so as to control various functional modules*

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*requiring various levels of controlled access via a graphic user interface and associated input detecting controls and output devices/data rendering mechanisms (i.e., col. 3, lines 50-col. 4, line 9), encompasses the claimed limitations, as broadly interpreted by the examiner.];*

*in response to the detection of a user input, generating a graphical user interface before the operating system has booted [figures 1-6, 10-12 and accompanying descriptions, whereas the controller and associated bootable controlling software/firmware executive/operating system and associated passcode entry functionality (i.e., col. 13, lines 3-34, col. 14, lines 13-67) to interactively (i.e., via the interaction of the input controls/touch screen display responses) control the bootup software/firmware executive/operating system and various functional modules requiring various levels of controlled access via the associated graphic user interface and input detecting controls (i.e., col. 3, lines 50-col. 4, line 9), encompasses the claimed limitations, as broadly interpreted by the examiner.];*

*receiving an input from the user through said graphical user interface [figures 1-6, 10-12 and accompanying descriptions, whereas the controller and associated bootable controlling software/firmware executive/operating system and associated passcode entry functionality (i.e., col. 13, lines 3-34, col. 14, lines 13-67) to interactively (i.e., via the interaction of the input controls/touch screen display responses) control the bootup software/firmware executive/operating system and various functional modules requiring various levels of controlled access via the associated graphic user interface and input detecting controls (i.e., col. 3, lines 50-col. 4, line 9), encompasses the claimed limitations, as broadly interpreted by the examiner.]; and*

*booting the operating system [figures 1-6, 10-12 and accompanying descriptions, whereas the controller and associated bootable controlling software/firmware*

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*executive/operating system and associated passcode entry functionality (i.e., col. 13, lines 3-34, col. 14, lines 13-67) to interactively (i.e., via the interaction of the input controls/touch screen display responses) control the bootup software/firmware executive/operating system (i.e., stop completion/further bootup if authentication/passcode error entry/comparison so stipulates) and various functional modules requiring various levels of controlled access via the associated graphic user interface and input detecting controls (i.e., col. 3, lines 50-col. 4, line 9), encompasses the claimed limitations, as broadly interpreted by the examiner.].”.*

Further, as per claim 11, this claim is the embodied method software for the method claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection.

Further, as per claims 21, 24 these claims are the apparatus/system for the method claim 1 above, and are rejected for the same reasons provided for the claim 1 rejection.

6. Claim 2 ***additionally recites*** the limitation that; “The method of claim 1 wherein detecting a user input includes detecting the operation of a push button.”.

The teachings of Skelton et al are directed towards such limitations (i.e., figures 1-6, 10-12 and accompanying descriptions, whereas the controller and associated bootable controlling software/firmware executive/operating system and associated passcode entry functionality (i.e., col. 13, lines 3-34, col. 14, lines 13-67) to interactively (i.e., via the interaction of the input controls/touch screen display responses) control the bootup software/firmware executive/operating system and various functional modules requiring various levels of controlled

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access via the associated graphic user interface and input detecting controls, inclusive of associated push button controls on the device front panel (i.e., col. 3, lines 50-col. 4, line 9), encompasses the claimed limitations, as broadly interpreted by the examiner.).

Further, as per claim 12, this claim is the embodied method software for the method claim 2 above, and is rejected for the same reasons provided for the claim 2 rejection.

7. Claim 3 *additionally recites* the limitation that; "The method of claim 1 wherein generating a graphical user interface includes

generating a graphical user interface using a graphics controller."

The teachings of Skelton et al are directed towards such limitations (i.e., figures 1-6, 10-12 and accompanying descriptions, whereas the controller and associated bootable controlling software/firmware executive/operating system and associated passcode entry functionality (i.e., col. 13, lines 3-34, col. 14, lines 13-67) to interactively control the bootup software/firmware executive/operating system and various functional modules requiring various levels of controlled access via the associated graphic user interface (i.e., associated graphics controller 'on-board' logic) and input detecting controls (i.e., col. 3, lines 50-col. 4, line 9), encompasses the claimed limitations, as broadly interpreted by the examiner.).

Further, as per claim 13, this claim is the embodied method software for the method claim 3 above, and is rejected for the same reasons provided for the claim 3 rejection.

8. Claim 4 *additionally recites* the limitation that; “The method of claim 3 including storing information for generating said graphical user interface on an option memory.”.

The teachings of Skelton et al are directed towards such limitations (i.e., figures 1-6, 10-12 and accompanying descriptions, whereas the controller and associated bootable controlling software/firmware executive/operating system and associated passcode entry functionality (i.e., col. 13, lines 3-34, col. 14, lines 13-67) to interactively control the bootup software/firmware executive/operating system and various functional modules requiring various levels of controlled access via the associated graphic user interface (i.e., associated graphics controller 'on-board' logic, clearly inclusive of display mechanism data storage, via frame/array/object, etc.,) and input detecting controls (i.e., col. 3, lines 50-col. 4, line 9), encompasses the claimed limitations, as broadly interpreted by the examiner.).

Further, as per claim 14, this claim is the embodied method software for the method claim 4 above, and is rejected for the same reasons provided for the claim 4 rejection.

9. Claim 5 *additionally recites* the limitation that; “The method of claim 1 including using boot code running on a graphics controller to generate the graphical user interface.”.

The teachings of Skelton et al are directed towards such limitations (i.e., figures 1-6, 10-12 and accompanying descriptions, whereas the controller and associated bootable controlling software/firmware executive/operating system and associated passcode entry functionality (i.e., col. 13, lines 3-34, col. 14, lines 13-67) to interactively control the bootup software/firmware

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executive/operating system and various functional modules requiring various levels of controlled access via the associated graphic user interface (i.e., associated graphics controller 'on-board' logic, clearly inclusive of display mechanism data storage, whereas the modular nature of the associated constituent modules would further encompass memory associated with a/the processing module that controls the graphics logic) and input detecting controls (i.e., col. 3, lines 50-col. 4, line 9), encompasses the claimed limitations, as broadly interpreted by the examiner.).

Further, as per claim 15, this claim is the embodied method software for the method claim 5 above, and is rejected for the same reasons provided for the claim 5 rejection.

10. Claim 6 *additionally recites* the limitation that; "The method of claim 1 wherein generating a graphical user interface includes
- generating a graphical user interface to
- enable the user to input a password."

The teachings of Skelton et al are directed towards such limitations (i.e., figures 1-6, 10-12 and accompanying descriptions, whereas the controller and associated bootable controlling software/firmware executive/operating system and associated passcode entry (input) functionality (i.e., col. 13, lines 3-34, col. 14, lines 13-67) to interactively control the subsequent bootup software/firmware executive/operating system and various functional modules requiring various levels of controlled access via the associated graphic user interface (i.e., associated graphics controller 'on-board' logic) and input detecting controls (i.e., col. 3, lines 50-col. 4, line 9), encompasses the claimed limitations, as broadly interpreted by the examiner.).



Further, as per claim 16, this claim is the embodied method software for the method claim 6 above, and is rejected for the same reasons provided for the claim 6 rejection.

Further, as per claim 25, this claim is the apparatus/system for the method claims 5,6 above, and is rejected for the same reason provided for the claims 5,6 rejection.

11. Claim 7 *additionally recites* the limitation that; “The method of claim 6 wherein generating a graphical user interface includes  
generating an on-screen keyboard.”.

The teachings of Skelton et al are directed towards such limitations (i.e., figures 1-6, 10-12 and accompanying descriptions, whereas the controller and associated bootable controlling software/firmware executive/operating system and associated passcode entry functionality (i.e., col. 13,lines 3-34, col. 14,lines 13-67) to interactively control the subsequent bootup software/firmware executive/operating system via the associated graphic user interface (i.e., ‘... in the form of a keyboard or, alternatively, a touch screen, ...’ thereby allowing the front panel input controls/mechanisms to be embodied as GUI controls on a touch screen keyboard, such as for the passcode entry) and input detecting controls (i.e., col. 3,lines 50-col. 4,line 9), encompasses the claimed limitations, as broadly interpreted by the examiner.).

Further, as per claim 17, this claim is the embodied method software for the method claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection.

Further, as per claim 23, this claim is the apparatus/system for the method claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection.

12. Claim 8 *additionally recites* the limitation that; “The method of claim 1 including receiving inputs from the user  
through the graphical user interface  
without a keyboard.”.

The teachings of Skelton et al are directed towards such limitations (i.e., figures 1-6, 10-12 and accompanying descriptions, whereas the controller and associated bootable controlling software/firmware executive/operating system and associated passcode entry functionality (i.e., col. 13, lines 3-34, col. 14, lines 13-67) to interactively control the subsequent bootup software/firmware executive/operating system via the associated graphic user interface (i.e., ‘... in the form of a keyboard or, alternatively, a touch screen, ... or other conventional input device ...’ thereby allowing the front panel input controls/mechanisms to be embodied as GUI controls on a touch screen per se, such as for the passcode entry) and input detecting controls (i.e., col. 3, lines 50-col. 4, line 9), encompasses the claimed limitations, as broadly interpreted by the examiner.).

Further, as per claim 18, this claim is the embodied method software for the method claim 8 above, and is rejected for the same reasons provided for the claim 8 rejection;

Further, as per claim 22, this claim is the apparatus/system for the method claim 8 above, and is rejected for the same reasons provided for the claim 8 rejection.

13. Claim 9 *additionally recites* the limitation that; “The method of claim 1 including authenticating a user and allowing the operating system to boot if the user has been authenticated.”.

The teachings of Skelton et al are directed towards such limitations (i.e., figures 1-6, 10-12 and accompanying descriptions, whereas the controller and associated bootable controlling software/firmware executive/operating system and associated pass code entry functionality (i.e., col. 13,lines 3-34, col. 14,lines 13-67) to interactively (i.e., via the interaction of the input controls/touch screen display responses)control the bootup software/firmware executive/operating system (i.e., stop completion/further bootup if user authentication/passcode error entry/comparison so stipulates) and various functional modules requiring various levels of controlled access via the associated graphic user interface and input detecting controls (i.e., col. 3,lines 50-col. 4,line 9), encompasses the claimed limitations, as broadly interpreted by the examiner.).

Further, as per claim 19, this claim is the embodied method software for the method claim 9 above, and is rejected for the same reasons provided for the claim 9 rejection.

14. Claim 10 *additionally recites* the limitation that; “The method of claim 9 including receiving a password entered without a keyboard

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using the graphical user interface.”.

The teachings of Skelton et al are directed towards such limitations (i.e., figures 1-6, 10-12 and accompanying descriptions, whereas the controller and associated bootable controlling software/firmware executive/operating system and associated pass code entry functionality (i.e., col. 13,lines 3-34, col. 14,lines 13-67) to interactively control the subsequent bootup software/firmware executive/operating system via the associated graphic user interface (i.e., '... in the form of a keyboard or, alternatively, a touch screen, ... or other conventional input device ...' thereby allowing the front panel input controls/mechanisms to be embodied as GUI controls on a touch screen per se, such as for the passcode entry) and input detecting controls (i.e., col. 3,lines 50-col. 4,line 9), encompasses the claimed limitations, as broadly interpreted by the examiner.).

Further, as per claim 20, this claim is the embodied method software for the method claim 10 above, and is rejected for the same reasons provided for the claim 10 rejection.

### ***Response to Amendment***

15. As per applicant's argument concerning the lack of the various teachings by Skelton et al, the arguments are moot in light of the new basis for rejection.

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*Conclusion*

16. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861 and unofficial email is Ronald.baum@uspto.gov. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami, can be reached at (571) 272-4195. The Fax number for the organization where this application is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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12,7,07

Ronald Baum

Patent Examiner

